

Congress of the United States
Washington, DC 20515

October 7, 2009

1690

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20515

Dear Chairman Genachowski:

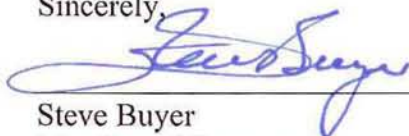
As members of Congress who are privileged to represent districts with substantial rural populations, we are especially interested in the actions of the Federal Communications Commission (FCC) to improve access to advanced communications services and technologies for rural America. As such, we are formally requesting an investigation by the FCC into the nature and function of Google Inc.'s voice service.

Specifically, we are concerned about recent revelations in the news media concerning Google Inc.'s new voice service, Google Voice. To reduce expenses arising from access charges, Google may block calls from consumers to certain rural telephone exchanges. As you know, regulated common carriers are prohibited from such activities. We understand Google has asserted Google Voice is not a "traditional" telephone service – despite its use of 10-digit telephone numbers and its ability to connect calls between telephones through a local exchange carrier – and, therefore, should not to be treated as a common carrier service. Instead, Google maintains it ought to be allowed to block calls to rural telephone exchanges – a position we find ill conceived and unfair to our rural constituents.

Furthermore, it is our opinion a company should not be able to evade compliance with important principles of access and competition set forth by the FCC by simply self-declaring it is not subject to them without further investigation. If Google is allowed to operate its telephone services outside of the rules by which all other common carriers operate, we worry that the market and support for universal service will be undermined. Rural consumers, whose calls would be only selectively connected, would undoubtedly be the most harmed by this practice.

Consumers benefit from fair competition among service providers. However, competition requires a policy framework that doesn't rely on artificial and formalistic distinctions between online or web-based and "traditional" carriers. Consequently, we urge the FCC to further investigate the nature of Google Inc.'s voice services and ensure the FCC's actions foster fair, lawful, and robust market competition.

Sincerely,



Steve Buyer
Member of Congress



Charlie Melancon
Member of Congress



John Shimkus
Member of Congress



John Barrow
Member of Congress



Leonard Boswell
Member of Congress

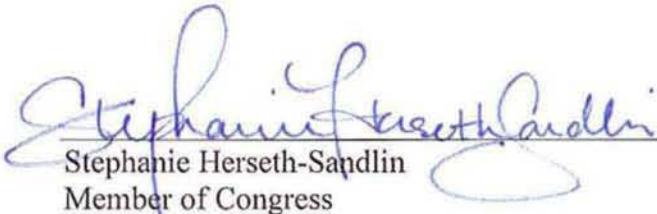
Bobby Bright
Member of Congress



Lincoln Davis
Member of Congress



Parker Griffith
Member of Congress



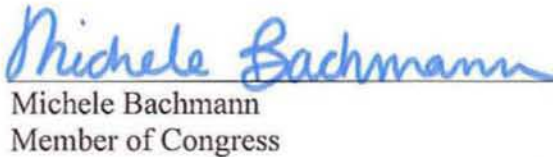
Stephanie Herseth-Sandlin
Member of Congress



John Kline
Member of Congress



Nick Rahall
Member of Congress



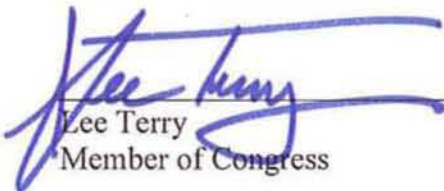
Michele Bachmann
Member of Congress



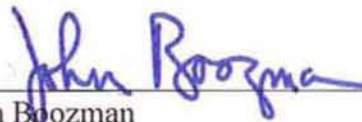
Heath Shuler
Member of Congress



Bennie Thompson
Member of Congress



Lee Terry
Member of Congress



John Boozman
Member of Congress



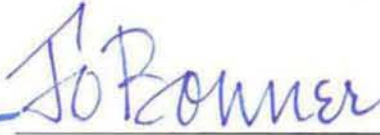
Dean Heller
Member of Congress



Blaine Luetkemeyer
Member of Congress



Marsha Blackburn
Member of Congress



Jo Bonner
Member of Congress



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

November 16, 2009

The Honorable Michele Bachmann
U.S. House of Representatives
107 Cannon House Office Building
Washington, D.C. 20515

Dear Congresswoman Bachmann:

Thank you for your letter concerning recent allegations that Google's Google Voice service restricts calling from consumers to certain rural communities. I appreciate hearing from you on this matter. The Commission has long recognized the importance of ensuring the availability of traditional and advanced communications services and technologies to rural America.

With regard to the Google voice issues, it is important to gather the facts necessary to provide a more complete understanding of this situation. To that end, the Chief of the Wireline Competition Bureau on October 9, 2009, sent a letter directing Google to answer a series of questions about the service at issue by October 28, 2009. A copy of this letter is enclosed for your reference.

Please be assured that the Commission will give full consideration to the issues you raise in your letter. I appreciate your interest in this important matter. Please contact me if I can provide additional information.

Sincerely,

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Julius Genachowski
Chairman

Enclosure



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

November 16, 2009

The Honorable Heath Shuler
U.S. House of Representatives
422 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Shuler:

Thank you for your letter concerning recent allegations that Google's Google Voice service restricts calling from consumers to certain rural communities. I appreciate hearing from you on this matter. The Commission has long recognized the importance of ensuring the availability of traditional and advanced communications services and technologies to rural America.

With regard to the Google voice issues, it is important to gather the facts necessary to provide a more complete understanding of this situation. To that end, the Chief of the Wireline Competition Bureau on October 9, 2009, sent a letter directing Google to answer a series of questions about the service at issue by October 28, 2009. A copy of this letter is enclosed for your reference.

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Julius Genachowski
Chairman

Enclosure



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

November 16, 2009

The Honorable Bennie G. Thompson
U.S. House of Representatives
2432 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Thompson:

Thank you for your letter concerning recent allegations that Google's Google Voice service restricts calling from consumers to certain rural communities. I appreciate hearing from you on this matter. The Commission has long recognized the importance of ensuring the availability of traditional and advanced communications services and technologies to rural America.

With regard to the Google voice issues, it is important to gather the facts necessary to provide a more complete understanding of this situation. To that end, the Chief of the Wireline Competition Bureau on October 9, 2009, sent a letter directing Google to answer a series of questions about the service at issue by October 28, 2009. A copy of this letter is enclosed for your reference.

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Julius Genachowski
Chairman

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THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

November 16, 2009

The Honorable Lee Terry
U.S. House of Representatives
2331 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Terry:

Thank you for your letter concerning recent allegations that Google's Google Voice service restricts calling from consumers to certain rural communities. I appreciate hearing from you on this matter. The Commission has long recognized the importance of ensuring the availability of traditional and advanced communications services and technologies to rural America.

With regard to the Google voice issues, it is important to gather the facts necessary to provide a more complete understanding of this situation. To that end, the Chief of the Wireline Competition Bureau on October 9, 2009, sent a letter directing Google to answer a series of questions about the service at issue by October 28, 2009. A copy of this letter is enclosed for your reference.

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Julius Genachowski
Chairman

Enclosure



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

November 16, 2009

The Honorable John M. Shimkus
U.S. House of Representatives
2452 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Shimkus:

Thank you for your letter concerning recent allegations that Google's Google Voice service restricts calling from consumers to certain rural communities. I appreciate hearing from you on this matter. The Commission has long recognized the importance of ensuring the availability of traditional and advanced communications services and technologies to rural America.

With regard to the Google voice issues, it is important to gather the facts necessary to provide a more complete understanding of this situation. To that end, the Chief of the Wireline Competition Bureau on October 9, 2009, sent a letter directing Google to answer a series of questions about the service at issue by October 28, 2009. A copy of this letter is enclosed for your reference.

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Julius Genachowski
Chairman

Enclosure



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THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

November 16, 2009

The Honorable Nick J. Rahall
U.S. House of Representatives
2307 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Rahall:

Thank you for your letter concerning recent allegations that Google's Google Voice service restricts calling from consumers to certain rural communities. I appreciate hearing from you on this matter. The Commission has long recognized the importance of ensuring the availability of traditional and advanced communications services and technologies to rural America.

With regard to the Google voice issues, it is important to gather the facts necessary to provide a more complete understanding of this situation. To that end, the Chief of the Wireline Competition Bureau on October 9, 2009, sent a letter directing Google to answer a series of questions about the service at issue by October 28, 2009. A copy of this letter is enclosed for your reference.

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Julius Genachowski
Chairman

Enclosure



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

November 16, 2009

OFFICE OF
THE CHAIRMAN

The Honorable Charlie Melancon
U.S. House of Representatives
404 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Melancon:

Thank you for your letter concerning recent allegations that Google's Google Voice service restricts calling from consumers to certain rural communities. I appreciate hearing from you on this matter. The Commission has long recognized the importance of ensuring the availability of traditional and advanced communications services and technologies to rural America.

With regard to the Google voice issues, it is important to gather the facts necessary to provide a more complete understanding of this situation. To that end, the Chief of the Wireline Competition Bureau on October 9, 2009, sent a letter directing Google to answer a series of questions about the service at issue by October 28, 2009. A copy of this letter is enclosed for your reference.

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Julius Genachowski
Chairman

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

November 16, 2009

The Honorable John Kline
U.S. House of Representatives
1210 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Kline:

Thank you for your letter concerning recent allegations that Google's Google Voice service restricts calling from consumers to certain rural communities. I appreciate hearing from you on this matter. The Commission has long recognized the importance of ensuring the availability of traditional and advanced communications services and technologies to rural America.

With regard to the Google voice issues, it is important to gather the facts necessary to provide a more complete understanding of this situation. To that end, the Chief of the Wireline Competition Bureau on October 9, 2009, sent a letter directing Google to answer a series of questions about the service at issue by October 28, 2009. A copy of this letter is enclosed for your reference.

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Julius Genachowski
Chairman

Enclosure



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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

November 16, 2009

The Honorable Stephanie Herseth Sandlin
U.S. House of Representatives
331 Cannon House Office Building
Washington, D.C. 20515

Dear Congresswoman Herseth Sandlin:

Thank you for your letter concerning recent allegations that Google's Google Voice service restricts calling from consumers to certain rural communities. I appreciate hearing from you on this matter. The Commission has long recognized the importance of ensuring the availability of traditional and advanced communications services and technologies to rural America.

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

November 16, 2009

The Honorable Dean Heller
U.S. House of Representatives
125 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Heller:

Thank you for your letter concerning recent allegations that Google's Google Voice service restricts calling from consumers to certain rural communities. I appreciate hearing from you on this matter. The Commission has long recognized the importance of ensuring the availability of traditional and advanced communications services and technologies to rural America.

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Julius Genachowski
Chairman

Enclosure



OFFICE OF
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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

November 16, 2009

The Honorable Parker Griffith
U.S. House of Representatives
417 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Griffith:

Thank you for your letter concerning recent allegations that Google's Google Voice service restricts calling from consumers to certain rural communities. I appreciate hearing from you on this matter. The Commission has long recognized the importance of ensuring the availability of traditional and advanced communications services and technologies to rural America.

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Julius Genachowski
Chairman

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

November 16, 2009

The Honorable Blaine Luetkemeyer
U.S. House of Representatives
1118 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Luetkemeyer:

Thank you for your letter concerning recent allegations that Google's Google Voice service restricts calling from consumers to certain rural communities. I appreciate hearing from you on this matter. The Commission has long recognized the importance of ensuring the availability of traditional and advanced communications services and technologies to rural America.

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Julius Genachowski
Chairman

Enclosure



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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

November 16, 2009

The Honorable Lincoln Davis
U.S. House of Representatives
410 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Davis:

Thank you for your letter concerning recent allegations that Google's Google Voice service restricts calling from consumers to certain rural communities. I appreciate hearing from you on this matter. The Commission has long recognized the importance of ensuring the availability of traditional and advanced communications services and technologies to rural America.

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Julius Genachowski
Chairman

Enclosure



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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

November 16, 2009

The Honorable Steve Buyer
U.S. House of Representatives
2230 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Buyer:

Thank you for your letter concerning recent allegations that Google's Google Voice service restricts calling from consumers to certain rural communities. I appreciate hearing from you on this matter. The Commission has long recognized the importance of ensuring the availability of traditional and advanced communications services and technologies to rural America.

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Julius Genachowski
Chairman

Enclosure



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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

November 16, 2009

The Honorable Leonard Boswell
U.S. House of Representatives
1427 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Boswell:

Thank you for your letter concerning recent allegations that Google's Google Voice service restricts calling from consumers to certain rural communities. I appreciate hearing from you on this matter. The Commission has long recognized the importance of ensuring the availability of traditional and advanced communications services and technologies to rural America.

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Julius Genachowski
Chairman

Enclosure



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

November 16, 2009

The Honorable Bobby N. Bright
U.S. House of Representatives
1205 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Bright:

Thank you for your letter concerning recent allegations that Google's Google Voice service restricts calling from consumers to certain rural communities. I appreciate hearing from you on this matter. The Commission has long recognized the importance of ensuring the availability of traditional and advanced communications services and technologies to rural America.

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Julius Genachowski
Chairman

Enclosure



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

November 16, 2009

The Honorable John Boozman
U.S. House of Representatives
1519 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Boozman:

Thank you for your letter concerning recent allegations that Google's Google Voice service restricts calling from consumers to certain rural communities. I appreciate hearing from you on this matter. The Commission has long recognized the importance of ensuring the availability of traditional and advanced communications services and technologies to rural America.

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Julius Genachowski
Chairman

Enclosure



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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

November 16, 2009

The Honorable Jo Bonner
U.S. House of Representatives
2236 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Bonner:

Thank you for your letter concerning recent allegations that Google's Google Voice service restricts calling from consumers to certain rural communities. I appreciate hearing from you on this matter. The Commission has long recognized the importance of ensuring the availability of traditional and advanced communications services and technologies to rural America.

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Chairman

Enclosure



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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

November 16, 2009

The Honorable Marsha Blackburn
U.S. House of Representatives
217 Cannon House Office Building
Washington, D.C. 20515

Dear Congresswoman Blackburn:

Thank you for your letter concerning recent allegations that Google's Google Voice service restricts calling from consumers to certain rural communities. I appreciate hearing from you on this matter. The Commission has long recognized the importance of ensuring the availability of traditional and advanced communications services and technologies to rural America.

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Sincerely,

A handwritten signature in black ink, consisting of a stylized 'J' followed by a horizontal line and a small dot.

Julius Genachowski
Chairman

Enclosure



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

November 16, 2009

The Honorable John Barrow
U.S. House of Representatives
213 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Barrow:

Thank you for your letter concerning recent allegations that Google's Google Voice service restricts calling from consumers to certain rural communities. I appreciate hearing from you on this matter. The Commission has long recognized the importance of ensuring the availability of traditional and advanced communications services and technologies to rural America.

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Julius Genachowski
Chairman

Enclosure



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

October 9, 2009

Richard S. Whitt, Esq.
Washington Telecom and Media Counsel
Google Inc.
1101 New York Avenue, NW, Second Floor
Washington, DC 20005

RE: Google Voice Calling Restrictions

Dear Mr. Whitt:

Recent reports indicate that Google's Google Voice service restricts calling from consumers to certain rural communities.¹ In light of pending Commission proceedings regarding concerns about so called "access stimulation,"² the Commission's prohibition on call blocking by carriers,³ as well as the Commission's interest in ensuring that "broadband networks are widely deployed, open, affordable, and accessible to all consumers,"⁴ we are interested in gathering facts that can provide a more complete understanding of this situation.

To that end, please provide answers to the following questions by close of business on Wednesday, October 28, 2009.

1. We understand that Google Voice offers a number of different functionalities, including: (a) the ability to have calls to a Google Voice telephone number forwarded to designated telephone numbers; (b) the

¹ See *Google's New Phone Service Poses Questions for Regulators*, Wall Street Journal (Sept. 18, 2009); *The intellectual contradiction of Google Voice*, Financial Times (Sept. 22, 2009); *Google Says Apple Rejected Google Voice Application in July*, Communications Daily (Sept. 21, 2009).

² *Establishing Just and Reasonable Rates for Local Exchange Carriers*, WC Docket No. 07-135, Notice of Proposed Rulemaking, 22 FCC Rcd 17989 (2007).

³ *Establishing Just and Reasonable Rates for Local Exchange Carriers; Call Blocking by Carriers*, WC Docket No. 07-135, Declaratory Ruling and Order, 22 FCC Rcd 11629 (2007).

⁴ *Appropriate Framework for Broadband Access to the Internet over Wireline Facilities; Review of Regulatory Requirements for Incumbent LEC Broadband Telecommunications Services; Computer III Further Remand Proceedings: Bell Operating Company Provision of Enhanced Services; 1998 Biennial Regulatory Review — Review of Computer III and ONA Safeguards and Requirements; Inquiry Concerning High-Speed Access to the Internet Over Cable and Other Facilities; Internet Over Cable Declaratory Ruling; Appropriate Regulatory Treatment for Broadband Access to the Internet Over Cable Facilities*, CC Docket Nos. 02-33, 01-337, 98-10, 95-20, GN Docket No. 00-185, CS Docket No. 02-52, Policy Statement, 20 FCC Rcd 14986 (2005) (Internet Policy Statement).

ability to place outgoing calls from the Google Voice website; (c) the ability to place outgoing calls from the Google Voice mobile site; and (d) the ability to place outgoing calls by calling your own Google number and signing into the Google voicemail system.

(i) For each of these functionalities, and any other functionalities that allow Google Voice users to place calls, please describe how the Google Voice call is routed and whether calls to particular telephone numbers are restricted. For each functionality for which calls to particular telephone numbers are restricted, please describe the technological means by which those restrictions are implemented.

(ii) How does Google inform Google Voice users about any restrictions in the numbers to which calls can be placed using Google Voice?

(iii) To what extent are each of these Google Voice functionalities offered for free? To what extent, if any, does Google charge for any of these services? Does Google intend to charge at some point for the service? How does Google currently pay for the service?

2. Please explain specifically what is meant by “invitation-only.”⁵ How many users of Google Voice are there at this time? Are there any plans to offer Google Voice on other than an invitation-only basis?
3. How does Google believe its various Google Voice services fit within the statutory classifications in the Communications Act of 1934, as amended (the Act) and the Commission’s regulatory classifications (*e.g.*, interconnected VoIP)?⁶ Do you believe its “invitation-only” subscribership affects the classification of Google Voice in any way? If so, please explain. Does the Google Voice service compete with any services classified as “telecommunications services” under the Act? Is Google Voice a reseller of “telecommunications services?” Please explain your answers.
4. How does Google identify the telephone numbers to which it restricts calls? Does it restrict calls to individual telephone numbers, or to particular exchanges or NPA-NXXs? Why does Google Voice restrict calls to these numbers?
5. Does Google contract with third parties to obtain inputs for its Google Voice service, such as access to telephone numbers, transmission of telephone calls, and interconnection with local telephone networks? Please provide the names of such third parties.

⁵ In your September 25, 2009 Google Public Policy Blog, you state that Google Voice is currently “invitation-only, serving a limited number of users.” Richard Whitt, Washington Telecom and Media Counsel, Google, *Response to AT&T’s letter to FCC on Google Voice*, <http://googlepublicpolicy.blogspot.com/2009/09/response-to-at-letter-to-fcc-on-google.html>.

⁶ 47 U.S.C. §§ 151 et seq.

Request for Confidential Treatment. If Google requests that any information or documents responsive to this letter be treated in a confidential manner, it shall submit, along with all responsive information and documents, a statement in accordance with section 0.459 of the Commission's rules. 47 C.F.R. § 0.459. Requests for confidential treatment must comply with the requirements of section 0.459, including the standards of specificity mandated by section 0.459(b). Accordingly, "blanket" requests for confidentiality of a large set of documents are unacceptable. Pursuant to section 0.459(c), the Bureau will not consider requests that do not comply with the requirements of section 0.459.

Thank you in advance for your anticipated cooperation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sharon E. Gillett", with a stylized flourish at the end.

Sharon E. Gillett
Chief, Wireline Competition Bureau
Federal Communications Commission